

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, ) Case No. 2:12-CR-00289-JCM-PAL  
Plaintiff, )  
vs. ) **ORDER**  
TYRONE DAVIS, )  
Defendant. )

Presently before the court is Magistrate Judge Leen's Report and Recommendation that defendant Tyrone Davis' Motion to Suppress Evidence (doc. # 31) be denied. (Doc. # 33). Defendant had up to, and including May 10, 2013, to file objections. To date, no objections have been filed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” *Id.*

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objects were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not

1 required to review “any issue that is not the subject of an objection.”). Thus, if there is no  
2 objections to a magistrate judge’s recommendation, then this court may accept the  
3 recommendation without review. *See, e.g., Johnstone*, 263 F.Supp.2d at 1226 (accepting, without  
4 review, a magistrate judge’s recommendation to which no object was filed).

5 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
6 whether to adopt the recommendation of the magistrate judge. Upon reviewing the defendant’s  
7 motion to suppress, the government’s response,<sup>1</sup> and the magistrate’s report–this court finds good  
8 cause to adopt the magistrate’s findings in full.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
11 recommendation of Magistrate Judge Leen (doc. # 33) be, and the same hereby is, ADOPTED in  
12 its entirety.

13 IT IS FURTHER ORDERED that defendant Davis’ Motion to Suppress Evidence (doc. #  
14 31) be, and the same hereby is, DENIED.

15 DATED this 20<sup>th</sup> day of May, 2013.  
16

17   
18 

---

UNITED STATES DISTRICT JUDGE  
19

20  
21  
22  
23  
24  
25  
26  
27  
28

---

1 Defendant did not file a reply.